

OGC 73-2041

30 October 1973

OGC HAS REVIEWED.

MEMORANDUM FOR: Chief, Regulations Control Staff
25X1A

ATTENTION

SUBJECT

[REDACTED]

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This Office has reviewed the comments on our proposed

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[REDACTED] which you forwarded to us from Messrs [REDACTED] and

[REDACTED] Attached is a second draft of the proposed regulation. This draft adopts the recommendations of the Office of Security, adds Mr.

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[REDACTED] suggestion [REDACTED] and retains our provision for reporting to the Executive Secretariat in certain limited situations.

These changes seem more than adequate to meet [REDACTED] suggestion on our first proposal.

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[REDACTED]

Office of General Counsel

Att.

20. ACCESS TO OFFICIAL DATA AND EQUIPMENT OR PROPERTY BY
FORMER EMPLOYEES

a. GENERAL. This paragraph prescribes Agency policy ^{concerning} [on limiting] the access of former employees to Agency Official Data and equipment or property.

b. POLICY

- (1) A former employee of the Agency is to be treated no differently than any other member of the general public. A former employee is not to be given access to Official Data in any form or by any method unless it is released through official channels, ^{and for official purposes.}

Where classified information is involved, the former employee must demonstrate a need-to-know and possess the appropriate level of security clearance. Official Data is defined in [REDACTED]

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[REDACTED] as all information, classified or unclassified, received, compiled or created by the Central Intelligence Agency (except personal copies of unclassified personnel papers). Former employees have the same rights as other members of the general public to request Agency Official Data under the Freedom of Information Act [REDACTED] Former

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employees also have the same rights as other private citizens engaged in historical research to gain access, under specified controls, to classified records. (For details see Part IV, C, 25X1A [REDACTED])

- How about
M. J. [unclear]
[unclear]*
- (2) A former employee of the Agency is not to be allowed to use or borrow any equipment or property belonging to or in the possession of the Agency, unless he has a contractual or consultant relationship with the Agency and the release or use of the equipment or property is required in the performance of his official duties.
- (3) All requests by former employees for Official Data or equipment or property which do not meet the criteria for release set forth herein will be referred to the appropriate Deputy Director or Head of Independent Office for decision. In this case, a memorandum for the record with all pertinent information is to be prepared and sent to the Executive Secretariate, through the Office of General Counsel, for comment and retention.

SECURITY

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20. ACCESS TO OFFICIAL DATA AND EQUIPMENT OR PROPERTY BY FORMER EMPLOYEES

- a. GENERAL. This paragraph prescribes Agency policy on limiting the access of former employees to Agency official data and to equipment or property. Official data is defined as all information, classified or unclassified, which is received, compiled, or created by the Central Intelligence Agency (except personal copies of unclassified personnel papers)
- b. POLICY. A former employee of the Agency is to be treated no differently than any other member of the general public regarding access to official data, equipment, or property.
- (1) A former employee is not to be given access to official data in any form or by any method unless it is released through official channels. Where classified information is involved, the former employee must demonstrate the need-to-know and possess the appropriate level of security clearances.
 - (2) A former employee has the same rights as other members of the general public to request Agency official data under the Freedom of Information Act and to gain access, under specified controls, to classify records when engaged in historical research
 - (3) A former employee is not to be allowed to use or borrow any equipment or property belonging to or in the

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possession of the Agency, unless he has a contractual or consultant relationship with the Agency and the release or use of the equipment or property is required in the performance of his official duties.

- (4) All requests by former employees for official data or equipment or property which do not meet the criteria for release set forth herein will be referred to the appropriate Deputy Director or Head of Independent Office for decision. In this case, a memorandum for the record with all pertinent information is to be prepared and sent ~~to the Executive Secretariat~~ through the Office of General Counsel, *and to the Executive Secretariat for* for comment and retention.

DISTRIBUTION: AB